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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DONNA GENSCHORCK,

Plaintiff,

vs.

SUTTELL & HAMMER, P.S.;
NICHOL intended to garnish my
paycheck. AS FILER and JANE DOE
FILER, husband and wife; and
AMERICAN EXPRESS CENTURION
BANK,

Defendants.

Case No.: CV-12-615-TOR

DECLARATION OF DONNA
GENSCHORCK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION

Donna Genschorck, under penalty of perjury of the laws of the United
States, 28 U.S.C. § 1746, declares the following:

DECLARATION OF DONNA
GENSCHORCK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION-1

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1. I am the Plaintiff in this matter.
2. On April 2, 2012, I received notice that the defendants herein intended to garnish my paycheck.
3. I was quite concerned and upset when I learned that my paycheck would be garnished, since there is no judgment against me, and I knew of no reason why the defendants would be allowed to garnish my paycheck.
4. I contacted my attorney, on April 2, 2012, and discussed the matter with him.
5. On April 2, 2012, I had no idea that my bank account would also be frozen based on the same writ of garnishment.
6. It was not until on or about April 12, 2012 that I received notice from my employer that the defendants herein also intended to freeze the assets my bank account.
7. Between April 2, 2012 and April 12, 2012, while I was concerned about the garnishment, I believe that my attorneys would have adequate time to remedy the situation well I still had funds available to me in my bank account to pay for my daily expenses.

DECLARATION OF DONNA
GENSCHORCK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION-2

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1 8. On or about April 12, 2012, after learning that, in addition to my
2 paycheck being seized, my bank account would also be frozen based on
3 the defendants' writ of garnishment, I contacted my attorney again.

4 9. On or about April 12, 2012 when I learned that my bank account would
5 be garnished along with my wages, this new fact cause me extreme
6 emotional distress.

7 10. I contacted my attorney on April 12, 2012 regarding the garnishment of
8 my bank account.

9 11. April 12, 2012 was a Thursday and the soonest our schedules allowed us
10 to meet was the following week.

11 12. In 2012, I was the sole care provider for my terminally ill husband and I
12 was responsible for ensuring that his insurance premiums were paid.

13 13. I was terrified that I would not be able to pay the insurance premiums,
14 since all of my money had been taken.

15 14. Knowing that I would potentially have to borrow money from my
16 relative in order to provide for my family even the basic necessities was
17 humiliating, frightening, and caused me a great deal of anxiety.

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DECLARATION OF DONNA
GENSCHORCK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION-3

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1 15. The terror associated with having both my wages and bank account
2 frozen cause me to lose sleep, suffer an anxiety attack, cry, and suffer
3 other manifestations of severe emotional distress.

4 16. The emotional distress I suffered as a result of the garnishments was
5 compounded by the fact that my husband was unable to help or
6 appreciate the severity of the situation.

7 17. I spoke to my Aunt about the situation at great lengths and she offered to
8 loan me money, even though she lived on a fixed income.

9 18. It was embarrassing and humiliating to know that I might have to take
10 money from my aunt, who did not have much money to lend.

11 19. My aunt, who was my primary confidant, passed this May 2013.

12 20. I could not take time off to seek counseling, nor afford the fee at that time
13 to speak with a professional counselor, although I believe that I would
14 have, and still would, benefit from counseling.

15 21. Both times that I was notified of the garnishment, the notice came via my
16 coworkers.

17 22. Being notified by people that I work with almost every day that my
18 wages and bank account being garnished was humiliating.

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DECLARATION OF DONNA
GENSCHORCK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION-4

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1 23. When my co-worker phoned to give me the information, I tried to explain
2 to them that the defendants should not be able to take my checking
3 account when they already took my wages.

4 24. My co-worker told me that the bank had no choice but to take the money
5 from my pay and bank account because they had been served with a legal
6 document.

7 25. Following the conversation with my co-worker, I was so upset that I
8 began to cry and could not stop.

9 26. I left my office and sat in my car to compose myself and tried to continue
10 to work through the day.

11 27. I felt I was helpless and being bullied by the collection agency.

12 28. I am still embarrassed each time I see one of my coworkers who likely
13 knows about the wage and bank account garnishments. I feel as though I
14 am treated differently. I still feel anxious over the situation.

15 29. I believed in 2010 that when my attorney stopped the wrongful
16 garnishment, I would not have to deal with a situation like that again.

17 30. Knowing that these defendants were able to seize all of my liquid assets
18 without any basis in the law and without any notice to me causes me

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20 DECLARATION OF DONNA
GENSCHORCK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
21 RECONSIDERATION-5

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1 ongoing emotional distress. I am constantly concerned that my money
2 could be seized again.

3 DATED this 5th day of December, 2013.

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6 Donna Genschorck, Plaintiff
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20 DECLARATION OF DONNA
21 GENSCHORCK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION-6

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CM/ECF CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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Stephen A. Bernheim	steve@stevebernheim.com

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/s Kirk D. Miller

Kirk D. Miller

WSBA # 40025

Attorney for the Plaintiff

DECLARATION OF DONNA
GENSCHORCK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION-7

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